

Filed for intro on 02/07/2001  
SENATE BILL 1392 By  
Haun

HOUSE BILL 886  
By Head

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10 and Title 55, Chapter 50, relative to alcohol related criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-401(a)(2), is amended by deleting the language "ten one hundredths of one percent (.10%)" and by substituting instead the language "eight-hundredths of one percent (.08%)".

SECTION 2. Tennessee Code Annotated, Section 55-10-406(f), is amended by deleting the language "or adult driving while impaired under § 55-10-418".

SECTION 3. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-408. For the purpose of proving a violation of § 55-10-401(a)(1), evidence that there was, at the time alleged, eight-hundredths of one percent (.08%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of § 55-10-401(a)(1).

SECTION 4. Tennessee Code Annotated, Section 55-10-418, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-418. (a) Effective September 30, 2003, the offense of adult driving while impaired is repealed.

(b) Nothing in the repeal of the offense of adult driving while impaired shall be construed to prohibit or prevent the use of any conviction for such offense occurring prior to September 30, 2003, for any of the purposes set out in Tennessee Code Annotated §§ 55-10-403(d)(1)(A)(ii), 55-10-403(d)(1)(B)(i)(b), 55-10-403(d)(3), 55-10-403(g)(2), 55-10-403(o), 55-10-406(a)(3)(A), 55-10-603(2)(A)(x) and 55-50-502(c)(3)(ii).

SECTION 4. If prior to the effective date of this act, the provisions of the Transportation Equity Act for the 21<sup>st</sup> Century that require the withholding of funds required to be apportioned for Federal-aid highways to this state under each of paragraphs (1), (3), and (4) of Title 23, United States Code, Section 104(b) if this state does not enact and enforce a provision described in section 163(a) of chapter 1 of title 23, United States Code are repealed or otherwise cease to be effective, the provisions of this act shall not take effect and shall be void.

SECTION 5. If prior to the effective date of this act, time within which the provisions of the Transportation Equity Act for the 21<sup>st</sup> Century that require the withholding of funds required to be apportioned for Federal-aid highways to this state under each of paragraphs (1), (3), and (4) of Title 23, United States Code, Section 104(b) if this state does not enact and enforce a provision described in section 163(a) of chapter 1 of title 23, United States Code is extended to a date beyond the beginning of fiscal year 2004, then the effective date of this act shall be extended until the same such date.

SECTION 6. If the provisions of SECTION 4 or SECTION 5 of this act do not become operative, this act shall take effect on September 30, 2003, the public welfare requiring it.